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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 482nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 23 September 1998 at 3 p.m.

Chairperson: Miss MASON

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GE.98-18328 (E)

The meeting was called to order at 3.[illegible] p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item [illegible]) (continued)

Initial report of Iraq (CRC/C/[illegible]/Q/1; written replies of the Government of Iraq to the questions raised in the list of issues (in-session document with no symbol)

1. At the invitation of the Chairperson, the members of the delegation of Iraq took places at the Committee table.

2. Mr. YOUSIF (Iraq) introduced the initial report of Iraq on the implementation of the Convention on the Rights of the Child and the written replies of the Government of Iraq to the questions raised in the list of issues. It was widely known that Iraqi children were the principal victims of the military aggression perpetrated by coalition forces against Iraq in 1991 and of the effects of the embargo imposed on the country over the course of eight years. When Iraq had ratified the Convention on the Rights of the Child in 1994, its population had been approximately 22 million, half of whom had been under 18 years of age. At that time, children under the age of nine, namely, those with the greatest need for nutritional and medical care, had accounted for 29.19 per cent of the total population and 58.4 per cent of the child population. Children between the ages of 6 and 15, for whom educational needs and social rights were of particular importance, had accounted for 22.4 per cent of the population and 44.8 per cent of the child population. According to the most recent census, carried out in October 1997, the total population of Iraq had reached 22 million.

3. Iraq had acceded to the Convention at a very difficult political and economic conditions. The military aggression of 1991 had gravely impaired the rights of children, particularly their most fundamental right, namely, the right to life. The coalition forces, under the American and British, had used depleted uranium-based weapons, which were prohibited throughout the world, and contravened the United Nations Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. The Iraqi Minister for Foreign Affairs had drawn attention to that effect in a letter dated 1 July 1998 (S/1998/[illegible]) addressed to the Secretary-General of the United Nations. A letter from the Permanent Representative to the United Nations (S/1998/[illegible]) mentioned that depleted uranium had in fact been used. In June 1999, an Italian newspaper had published an article stating that the Institute for Science and International Security in Washington had estimated that the total amount of the uranium contained in the shells used in Iraq had been 300 tonnes. The Iraqi authorities had formed specialized units made up of doctors and researchers to conduct scientific and medical studies into the effects of such weapons. It had been found that uranium, which affected the blood cells, had a serious impact on health: the number of cases of leukaemia had increased considerably, as had the incidence of foetal deformities. Paragraph 23 of the report submitted by the Secretary-General to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities regarding peace and international security (E/CN.4/Sub.2/1997/27) indicated, inter alia, that weapons containing depleted uranium had destructive effects which could not be measured, which lasted long after the

end of a war, which caused needless suffering and which damaged the environment. The soil, water and atmosphere remained unusable for generations. The Sub-Commission had also considered a document regarding the post-war environment in Iraq, contained in a note verbale from the Permanent Mission of Iraq (E/CN.4/Sub.2/1998/32), which revealed that numerous cases of cancer and malformations as well as other health problems had emerged.

4. In addition, for the previous eight years, Iraq had been experiencing an economic embargo which had an impact on all aspects of daily life, and which affected children from the medical, educational, social and psychological standpoint. The Iraqi Government was doing everything in its power to alleviate the suffering of the people and to respect its commitments under the Convention. That being so, and as the delegation of Iraq had stated in its replies to questions 6 and 11 in the list of issues, the implementation of the Convention necessarily depended on three essential elements: the State's political will to ratify the Convention, access by the State to the necessary resources to ensure the enjoyment of economic, social and cultural rights, as referred to in article 4 of the Convention, and international cooperation, referred to in articles 4, 24 and 28 of the Convention. Accordingly, States must fulfil their international obligations over and above the role played by technical assistance. For their part, the Iraqi authorities were doing their utmost to ensure the necessary protection of mothers and children, in conformity with all relevant provisions of national legislation. They were also cooperating fully with UNICEF, and had signed MOU (Memorandum of Understanding) with that organization. They were currently formulating programmes for the protection of children up to the year 2000. Various governmental and non-governmental bodies were conducting studies on the rights of children in Iraq; for example, a study had been carried out in the early 1990s on the status of women and children, another had been launched in 1997 on the poliomyelitis vaccination campaign and in 1998 a symposium had been organized jointly by UNICEF and the Child Welfare Authority. Iraq had made considerable efforts to offset the effects of the embargo, in conformity with paragraph 12 of General Comment No. 8 (1997) of the Committee on Economic, Social and Cultural Rights concerning the relationship between economic sanctions and respect for economic, social and cultural rights. As yet, despite the country-wide child-welfare plan, covering the period up to the year 2000, and the cooperation agreements with UNICEF, the lack of resources had made it impossible to stem the deterioration in children's health. Since 1996 the infant mortality rate had climbed from 2 to 5 per cent, the proportion of children under five suffering from malnutrition had risen from 4 to 11 per cent. The Nutritional Research Institute had conducted studies, in cooperation with international agencies, on the nutritional situation of children in the central and southern regions of Iraq from August to December 1997, and had found an increase in the number of underweight infants. According to figures provided by the Food and Agriculture Organization (FAO), the family food purchasing power index had dropped from 1.2 per cent in 1990 to 0.15 per cent in 1993 and then to 0.06 per cent. Owing to the tragic nature of the nutritional situation in Iraq, and despite their responsibilities, the Iraqi authorities were endeavouring to maintain basic supplies of low-cost foodstuffs, and had adopted a rationing system. FAO had drawn attention to the increased incidence of diseases caused by malnutrition, as well as to the unsanitary water supply. Electricity cuts were becoming more and more

frequent, and [illegible] electric power stations were lacking. [illegible] had been destroyed, and many children did not attend school. [illegible] number of children worked, and many suffered from psycho-social problems. [illegible] Security Council resolution 986 (1995) [illegible] the "food for oil" programme, and the Memorandum of Understanding signed by Iraq and the Secretary-General of the United Nations had been intended to improve that situation insofar as possible, but for political reasons their effects had been extremely limited.

5. Nor had the objectives of the Declaration on Understanding been fulfilled with regard to medicines. If Iraq was to implement the terms of the Convention, it must be permitted to [illegible] freely. He condemned the unwillingness of the international community to put an end to the embargo, which had impoverished Iraq and [illegible] the situation in Iraq recognized that the sanctions were a serious obstacle to the country's economic development and were in contradiction [illegible] the Convention. The Iraqi delegation therefore hoped that [illegible] the Committee would, as independent experts and in [illegible] principles, evaluate Iraq's implementation of the Convention.

6. The international community must live up to its responsibilities. The two International Covenants on Human Rights stated that all peoples might freely dispose of their natural wealth and resources and that in no case might a people be deprived of its [illegible] subsistence. The maintenance of international peace and security was [illegible] failure to apply the provisions of those covenants [illegible] Economic, Social and Cultural Rights [illegible] (1997). While the Committee on the Rights of the Child [illegible] and commissions of the other treaty bodies [illegible] sanctions, it did have the duty to draw attention to the [illegible] of the embargo and to demand that it should be lifted [illegible] the Prevention of Discrimination and Protection of Minorities [illegible] done. International cooperation was important for [illegible] Convention, and especially the cooperation of the States Members of the Security Council; in resolution 52/157 of 12 December 1997 the General Assembly had urged the Committee on the Rights of the Child to pay [illegible] attention to the needs of children in particularly difficult circumstances.

7. In conclusion, the Iraqi delegation [illegible] the Committee on the Rights of the Child to [illegible] to improve the situation of Iraqi children and enable [illegible] plan. It suggested that three members of the Committee [illegible] and visit hospitals, schools, care centres and other [illegible] the lamentable situation prevailing in the country.

General [illegible]

8. Mrs. SARDENBERG noted that [illegible] the Committee's guidelines had not been followed in the presentation [illegible], thereby making it difficult to read. She wished to know [illegible] ministerial departments had prepared the report, how data had been [illegible] and how the various organs responsible for matters relating to [illegible] rights co-operated to implement the Convention. She also asked whether [illegible] been taken to incorporate

the provisions of the Convention into domestic law and what role the National Assembly's Parliamentary Group on Child Support, created in 1995, had played in its implementation.

9. Mrs. MAC... asked whether there was any coordination between various governmental bodies and NGOs, including at the local level, in planning and implementing the Convention and how large a part was played by civil society and the NGOs. She regretted that the National Plan for Children did not encompass all the rights in the Convention, covering only six fields, and making for a dearth of global data on the situation of children's rights.

10. Mrs. KARP observed that while the sanctions imposed on Iraq had indeed affected the implementation of the Convention, it was not sufficient to invoke them systematically in response to requests for information. She noted that the report provided no details on the implementation of the principles of the Convention in everyday life. She asked whether Iraq might not consider withdrawing the reservation formulated with regard to article 14, paragraph 1, of the Convention, since certain Islamic countries, such as Egypt and Tunisia, did not consider that provision to be incompatible with the Shariah. She also wondered whether Iraq viewed the implementation of the Convention as a matter of rights rather than one of privileges granted to children. With reference to article 4 of the Convention, she would like to know what proportion of the budget had been allocated to matters relating to children's rights. She also asked who had the authority to provide information on the situation of children in Kurdistan. Lastly, she asked whether there was a plan of action designed to bring the principles of the Convention to the attention of government officials and members of professions working with children.

11. Mrs. PALME, supported by Mr. KOLOSOV, also wished to know what proportion of the budget was allocated to the rights of the child, and requested additional information on the implementation of the principles of the Convention. Were they to constitute a subject forming part of the curriculum, and in that case used in training teachers and raising awareness among parents? She noted that there were a great many children in Iraq but wished to know how many of them were concerned with matters relating to children's rights.

12. Mr. KAJAR wished to know whether Iraq had entered other reservations to the articles of the Convention, whether its legislation was in harmony with its provisions, and how it was publicized in Iraq. He raised the matter of birth registration, especially with regard to children in remote rural areas and children of non-Iraqi parents. On the subject of non-discrimination, he asked whether Iraqi nationality and Kurdish nationality were regarded as equal and whether the children of minorities enjoyed the same rights as other children.

13. Mr. HUSSAIN (Iraq), referring to the question concerning the preparation of the report, pointed out that it had already been answered in the written replies. Official government organs, including the Ministry of Education, Child Welfare Authority and certain NGOs, as well as the General Federation of Iraqi Women, had participated in its preparation after guidelines had been drawn up at a three-day meeting. A committee had been formed, comprising representatives of all the authorities and organs concerned, its role had been to collect information in their respective

fields, including information [illegible] since the data had been gathered, a drafting committee, on which the Ministry of Foreign Affairs was represented, had been set up. That committee had then submitted its report to the Vice-President of the Republic [illegible].

14. Mr. YOUSIF (Iraq) [illegible] organization dealing with matters pertaining to children the Child Welfare Authority, which had been established in 1982 and comprised representatives of various Ministries (Labour, Social Affairs, Health and Culture) and two experts elected to its Director. At the invitation of UNICEF, a parliamentary group of the National Assembly had also been created in August 1995 to study the legislative aspects of the implementation of the Convention, which had been ratified in 1994.

15. The reservation to article 14 of the Convention was applicable only in certain cases [illegible] Muslim law (Shariah), a child born of parents who were not [illegible] on attaining his or her majority, choose between the religions of his parents or religion. That reservation was not, in any case, specific to Iraq. It applied to the country's moral values which were [illegible] national sovereignty and the Islamic Shariah.

16. Three NGOs in Iraq were responsible for implementation of the Convention: the General Federation of Iraqi Women, the Family Planning Association and the Iraqi Child Support Association.

17. Mr. ABDULLOHA (Iraq) explained that NGOs were represented on the Child Welfare Authority and participated in its activities. They submitted quarterly reports, helped implement [illegible] programmes, including national immunization campaigns and conducted [illegible] awareness-raising activities among rural inhabitants. With the assistance of UNICEF, 1,100 primary care centres had been established.

18. Mr. YOUSIF (Iraq) referred to the question of the important part played by the Mother and Child Welfare Association established in 1990 with assistance from UNICEF under the Central Statistical Office and was responsible for drawing up the National Plan of Child [illegible] Programme follow-up was carried out in cooperation with various ministries. The General Federation of Iraqi Women broadcast [illegible] programmes on the protection of mothers and children. During the [illegible] 1997, the Federation had received 2,700 requests for advice [illegible] embassy. Lectures were given on family planning, clinics had been [illegible] for pregnant women and specialized centres had been opened [illegible].

19. In regard to non-discrimination, Mr. [illegible]N (Iraq) referred to article 19 of the Iraqi Constitution which stated that all citizens were equal before the law without distinction [illegible] sex, race, language, social origin or religion. The Constitution also contained other articles which sought to eliminate discrimination by recognizing the legitimate rights of Arab and Kurdish minorities. Negotiations with the Iraqi Government had led to wide-ranging agreements granting Iraqi Kurds a degree of autonomy and legal and cultural rights which exceeded those of the Kurdish minorities of Turkey, Syria and Iran. The Kurdish language had begun to be used in education and in the media. Syriac had become a primary [illegible] language. Religious

education was also possible in schools in which 45 per cent of pupils were Christian. Iraq was a mosaic of cultures comprising 11 non-Muslim communities (Catholic, Orthodox, Coptic, Armenian, Protestant, etc.) which all enjoyed the same rights.

20. Mr. YAHIA (Iraq) added that, under international pressure, the Iraqi authorities had been obliged to relinquish control of Iraqi Kurdistan, the safe zone that was currently controlled by elements of the Government.

21. Mr. ABDUL BAKA (Iraq) said that, in principle, all children were registered at birth. In rural or remote areas, in cases in which a mother did not wish to give birth in a nearby hospital, the licensed midwife notified the district health centre of the birth which, in turn, informed the competent office of the Ministry of Health. Before the embargo, a small proportion of children had not been registered but under the measures introduced after the economic embargo had been imposed in August 1990, families made sure that their children were registered in order to obtain ration cards. The Iraqi Government encouraged breastfeeding.

22. Mr. MOHEALI (Iraq) was of the opinion that the six sections of the National Plan for Children (health and children, education and children and the environment and children, culture, information and children, social welfare and children and the General Federation of Iraqi Women) satisfactorily covered the relevant articles of the Convention.

23. Mrs. [illegible] ZHO requested further information on the machinery that coordinated the activities of the various bodies responsible for protecting children. She asked what measures had been taken to publicize the Convention in traditional circles and how it was perceived by the children themselves.

24. Mrs. [illegible]NE asked whether any changes had been made in the objectives of the National Plan for Children as a result of the embargo. Were health and nutrition the sole priorities of the Plan?

25. Mrs. [illegible] said that the Vienna Declaration and Programme of Action encouraged States parties to withdraw their reservations to particular provisions of treaties when they were no longer necessary. Egypt, Tunisia and Lebanon, which were Islamic countries, had withdrawn any reservation to article 14, paragraph 1, of the Convention. Had the power to withdraw the reservation resided in the religious [illegible] the country? Which body had the authority to issue directives on matters relating to children? It would also be helpful to have a specific example of a case in which the Convention had been invoked before the Iraqi courts, together with specific examples of legislation that had been amended to reflect the principles of the Convention. Lastly, she asked whether training programmes would be introduced for the civil servants who were responsible for ensuring compliance with the Convention.

26. Mrs. [illegible] asked how the activities of the NGOs and the Government were coordinated at the local level and how violations of the rights of the child were detected. What specific provisions were contained in the National Plan for Children regarding child labour, children who were ill-treated or exploited, children involved in armed conflicts or in a situation of conflict

with the law? The Iraqi Gove nment's ... olice appeared to suggest that only children under the age of five ... rolled in primary school were monitored; what was the situation regarding ... children?

27. Mrs. ... ALME asked whether NGOs were represented at the local level and requested further information on the ... budget appropriations for health and education. No reply had been ... ning to the question of whether Iraq intended to incorporate the text of the Convention in school curriculums, which would be an effective means of publicizing it.

28. Mrs. ... BERG drew attention to the importance of following the Committee's guidelines that emphasized the indivisibility of human rights, which could be obscured if articles were ... one by one. In connection with the dissemination of the Convention, the Iraqi delegation had described to what extent the country was a mosaic of different peoples and tribes. It would be interesting to know whether the Convention had been translated into many other languages or whether it had been published only in Arabic, the official language. How did Iraq plan to make the provisions of the Convention better known? The Convention was of crucial importance and the Committee must therefore know which Government body was responsible for coordinating activities in that area. It appeared from the Iraqi delegation's explanations that the Higher Council for Motherhood and Childhood policies and performed monitoring functions, and the Mother and Child Unit that had been established with the assistance of UNICEF at the Central Statistical Office collected data in such a way that the framework laid down by the Convention? What weight did local authorities carry in decision-making? The National Plan for Children was ... itive in that it represented an overall strategy, but was it ... their Plan the implementation of the Convention as a whole? ... on the rights of the child? Indeed, was the main concept of the Convention, namely, that of the child as a subject of law, ... disseminated?

29. Mr. ... asked whether the ... which was ubiquitous almost throughout the country was concerned ... ghts of the child in its programmes and activities. It would be ... to imagine how Iraq, which had a strong socialist Government, could ... share responsibility for social affairs with NGOs, despite the ... a number had been mentioned by the Iraqi delegation. How was the ... man rights in general and the rights of the child in particular ... archically, from the highest to the lowest echelons of government? ... he knew, the population could hardly rely on the NGOs and was ... government measures. What was the actual situation?

30. Mr. ... (Iraq) said that ... attached great importance to children and future generations. ... Iraq was a socialist republic did not mean it did not cooperate ... the contrary, coordination was very good between the Government ... and those of the NGOs, which were represented at the local level in all districts. There was no centralization, not even in the case of the ..., which were supported by the Government but did not take any orders from ... All NGOs worked in the national interest, and there was no ... in that. Implementation of the Convention was monitored by the Mother and Child Unit, which was responsible for drafting the National ... Welfare Plan and cooperated

with UNICEF and other agencies. Its task was to compile indicators for analysing the situation. Questions of coordination were considered during regular meetings which were chaired by the Minister of Labour and facilitated the harmonization of all activities. The text of the Convention itself had been published in the Official Gazette which all citizens could consult. Moreover, many studies on the implementation of the Convention had been published in Arabic, which was the official language. The influence of the central Government was not felt in the Kurdish region, which was autonomous. With regard to the reactions of traditional societies to the substance of the Convention, he said that Iraqis, including children, paid great store by the Convention and hoped the international community would allow them to exercise the rights it embodied. The embargo, however, prevented them from doing so. The perpetuity of the rights of the child was a well acknowledged fact, but they were being eroded as a result of the lack of resources which, for example, prevented the State from protecting street children and children without families. Fortunately, however, there had so far been no extensive drug abuse in Iraq, which would undoubtedly be attributable to Islamic traditions and morals. There were admittedly vagabonds and street children, but UNICEF, in cooperation with the competent authorities was endeavouring to take care of them. UNICEF had cooperated with the Ministry of Social Affairs on behalf of child victims of armed conflicts, particularly in studying the after effects of the Al Amiria shelter bombing.

31. Mr. HUSSAIN (Iraq) said that while Egypt and Tunisia had withdrawn their reservation to article 14, paragraph 1, of the Convention, that did not necessarily mean that other Islamic countries would do so. Iraq had adopted a position of principle, which it would not abandon.

32. Mr. ABDULHIDA (Iraq) said that many NGOs and committees were not represented at the central level. For the most part, they were to be found at the district and village levels, examples being the General Federation of Iraqi Women, the Federation of Students, family planning associations and the Red Crescent Societies. The Child Welfare Association was particularly active in Baghdad but also had branches in other parts of the country. The National Plan for Children set specific goals and every activity listed in the Plan had its own well-defined objectives in particular sectors, such as health care. Those objectives were quantifiable and results could therefore be measured. The Mother and Child Unit was created by the Central Statistics Office as an independent agency responsible for collecting, analysing and comparing data with other information in order to contribute to the elaboration of the National Plan for Children. The Statistical Office was itself represented on the Governing Body of the Child Welfare Authority. There was no contradiction between the two bodies. The statistical agency collected, analysed and revised data, which was how cooperation was effected. The National Plan for Children was focused on health care because of prevailing circumstances. The Plan had been drafted in 1995, after five years of the embargo, and it was quite natural that it should attempt to mitigate its effects, citing mortality and morbidity rates. It was also natural that the main focus should be on the right to survival and existence, to which the National Plan attached particular importance. That did not, however, mean that economic rights and the right to education were being overlooked. As for the status of the Convention in domestic law, it could well be invoked before the courts within the legal framework, but so far no court had yet rendered

any judgement on the basis of its pr[illegible] in its written replies to questions 10 and 11 in the list of [illegible] Iraqi delegation had dealt with the matter of child health care [illegible] response to budgetary appropriations. The 1997 report of the World Health Organization (WHO) on the Eastern Mediterranean region stated that, in 1995, Iraq had allocated 3.9 per cent of its GDP to the Ministry of Health and that 40 per cent of the health-care budget had been allocated to primary health care. That gave an idea of the amount appropriated for health care. However, what was really of interest to Iraqi children was not details of the percentages allocated to a given Ministry but rather the quality of the care they received. Its quality had been outstanding before the war, and what the Iraqi child wanted was access to the same level of care and the same services as those available in the [illegible]. Unfortunately, the embargo was depriving the country of resources that could otherwise be used to ensure desired child welfare standards.

33. The CHAIRPERSON said the Committee would like to know what the public thought of the Convention, as it hoped that the Government would base itself on public opinion in drafting its [illegible] on behalf of children. Unfortunately Iraq had not submitted a document providing general information on the country. It would be helpful to know how the question of human rights was dealt with in the overall government context. Was there any specific coordination machinery, a ministry or an organization responsible for children? That was one of the Committee's main concerns. Uncertainties remained as to the role of NGOs in Iraq and more information on the nature and structure of NGOs and how they had developed would be welcome. Did the Government participate in their formation, and to what extent were they autonomous within society?

34. Mrs. KARP asked for more information on coordination and follow-up machinery. Could the delegation specify what central body was responsible for coordination between the various ministries and between the local and central levels? Did that body have its own structure and budget? To what ministry was it subordinate? Were there any plans to set up a mechanism independent of the Government, such as an ombudsman, responsible for monitoring implementation of the Convention, considering complaints and strengthening the rights of the child?

35. The CHAIRPERSON said she regretted that the report of Iraq was limited to the substantive provisions of the Convention and failed to discuss its implementation - which was why members of the Committee were asking so many questions about the harmonization of legislation with the Convention. Had efforts been made before or after ratification to give the Convention, to ensure that its principles and provisions were fully incorporated into domestic law?

36. Mrs. ARPHORNBERG associated herself with the questions raised about harmonization and coordination between the central and local levels, and wondered what the Government intended to do to disseminate both its report and the Committee's concluding observations.

The meeting rose at [illegible] p.m.